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Dilemmas of the Intermediate Level of the Administration

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Abstract: The administration and the authority of the intermediate level are organized very different. The invoked reasons for creating this level are varied: for a better democracy, efficiency, effective, decentralization etc. But there are points of view which associate, especially the third intermediate level with bureaucracy amplification, corruption increasing, a bad management of the new structures created, the overlapping of the responsibilities in some technical, legislative or financial fields. The study systematized these points of view, as well as the initiated changes by the European Union on the organizational and structural aspects of the intermediate level.

Keywords: intermediate level; democracy; efficiency; effective; decentralization; management; responsibilities

1. Introduction

Without claiming to present exhaustively, several reasons make the administrative levels issue so susceptible of an obvious academic interest:

1. The administrative levels are determined by phenomena “it can be hardly stopped (globalization)”, their functional organizations proved the essential economic and cultural integration in the international circuit.
2. There is a need for effective relay between local and global, avoiding downtime generated by the central bureaucracy (Groza, 2002, p. 338).
3. A backdrop of *political* and *emotional*, which feeds the idea of reform, rebalance of territorial systems;
4. Today, contrary to any constitutional rule which requires a permanent power, the administration is a force (Tofan, 2008, p. 128), (Alexandru, 2005)

2. What is Meant by Spatial Level of Decision and Administrative Action?

With the exception of the smallest states, consisting of a single human settlement, whose area does not exceed several square kilometers (Vatican, Monaco) each state has several human settlements which are the focus of polarization for surrounding rural areas. Thus the convergence centers of flows appear corresponding to the human settlements and areas of divergence (peripheral) which correspond to the areas of discontinuity. They make the state territory more or less homogenous in terms of natural and

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human resources to be crossed by all sorts of borders separating different departments within it. Thus a functional organization of the territory appears corresponding to the functional homogeneity of the social space (Bourdieu, 1989, p. 19) which has a dynamic, transient feature caused by human settlements development.

On the other hand, the state performs its authority over its entire territory manifested by three general aspects:

- *Plenitude* which means that the state performs the full power within its limits through its central and territorial bodies;
- *Exclusivity* which means that the state exercises freely its full authority on its territory. The intervention or interference of another state is excluded;
- *Opposability* against any other state resulting from the legitimacy and international recognition of a state in a given territory.

According to the contemporary doctrine the state power over the territory is a manifestation of the people right from the concerned territory i.e. an expression of the concerned people sovereignty. In such a way, the territory receives a political value, independently from economic or military value.

The need of exerting power throughout the state requires a political and administrative organization, so that within the state not to be privileged areas with extra-constitutional powers. This occurs also because it is impossible for the state central bodies to accomplish directly and promptly the tasks of satisfying all the population needs. Therefore it is necessary to create within the state territory a number of territorial-administrative units, having its own bodies, in order to exercise the public administration at the concerned communities and to ensure the smooth running of public life. Thus, the area structure is a result of two process categories:

- *Voluntary Processes*, resulting from the impact of politico-administrative decisions;
- *Processes of modest self-organization*, resulting from a permanent tendency to rebalance territorial systems against failures caused by exogenous factors.

These two categories of processes maintain the territory as Prof. Octavian Groza graphically expressed in a “territorial active tectonics” (Groza, 2002, p. 338)

Through the manifestation of the state will, according to the policy pursued in this domain, the territory is divided into administrative-territorial units and the power is spread at certain levels. Thus, the administrative-territorial unit becomes the spatial dimension of public administration and the human community from this administrative-territorial unit forms its social basis.

The term *administrative - territorial unit* means that part of the territory which has its own administration, its administrative bodies that are distinct from those of the state. The number and the types of administrative units will depend on the territorial size of the state, the form of organization, promoted state policy in this domain, on the existing traditions of the state regarding the territory organization and other factors.

Shaping on a certain number of administrative levels determines the classification of like so many types of settlements with administrative function. Generally, the types of administrative territorial units induced by politico-administrative function over geographical space are organized according to an initial level of spatial delimitation of the territory, also called primary, basic or local level and administrative-territorial units which are set at the levels ranging between basic administrative units and state. In

practice, they are more complex, depending on the political system of each country. G. Smith (Săgeată, 2004, p. 13): distinguishes seven territorial levels of administrative organization:

1. Central Government (authority);
2. Federal State Government (authority, in federal states);
3. Regional Government (Administration, in unitary states);
4. Senior Local Government (the authority, departmental)
5. Inter-regional Government Administration;
6. Lower Local Authority (municipal or communal);
7. Units under communal (parochial councils).

The intermediate administrative-territorial units, as well as the primary ones have different names in different countries, such as *comitats, departments, provinces, regions, principalities, counties, rayons, districts*. Depending on the size of the state, there are administrative-territorial systems with a single level (Cyprus, Estonia, Lithuania, Latvia, Luxembourg, Malta, Slovenia but also Bulgaria and Finland), Belgium being a notable exception to this rule. However, two-tier system prevails in the EU-27, being inclusively in some smaller countries which adopted this model: Czech Republic, Denmark, Ireland, the Netherlands, Slovakia. For larger countries it is typical the administrative-territorial model with three levels (including federal or regional), for example: France, Germany, Italy, Poland, Spain, United Kingdom (Osoian, 2010, p. 5).

In conclusion, the concept of administrative level is used as an expression of wielding local power in an administrative system. This concept includes the size (geographically), the types of organizational structures, the functions and its competences.

3. The Dilemma no. 1: The Optimal Number of Administrative Levels: More or less?

The discussions related to this dilemma should begin from a simple question, namely: what are the reasons for which states divide their territory into administrative levels? There are different answers to this question: for more democracy, efficiency, effectiveness, decentralization etc. But most of the reasons do not refer specifically to the intermediate level, as well as to the benefits that local authorities may have. Mostly, three reasons are emphasized:

- The intermediate level appears as a response to the request of the regional community, which requires a certain degree of autonomy towards the central government; the intermediate level can be created to counterbalance the central level;
- The need to establish an axis of unity among the central and local levels. This means that the intermediate level belongs to a scalar chain, where it acts as a tool of central administration control over local ones.
- The need to strengthen the production and market development and to appoint a coordinator and scheduler. The local community often is too small to provide various services, such as: hospital services.

Based on these considerations, the intermediate administration can be in different organizational forms: a) “Hands” of central government (when the ministries and agencies have their own intermediate administration which controls and completes activity done by local services; administrative tasks of various ministries are done by the services directed by a prefect appointed by the government; two or three ministries cooperate within an intermediary service that does not need the prefect control (for countries without prefectural system)); b) Administrative structures created by local communities

cooperation (municipal associations); c) directly elected bodies (the Assembly, the Executive with a certain degree of autonomy).

In the previous section we talked about the seven levels of territorial administrative organization. No state has all these levels of government instead it combines few of them. The most commonly used, in administrative practice, are *departmental* systems (characterized by three levels of administration: national, intermediate and local) and *regional* ones (with four administrative levels - two intermediate: departmental and regional). The *communal* system with a single lower level the basic one, is rarely used, being mainly specific to the small territorial states (Săgeată, 2004, p. 13).

4. The dilemma no. 2: How is “built” an administrative level: the criteria problem

Three notions are essential to answer the above question: principles, criteria, tools.

Principles

They are disdainful called proverbs by H. Simon because for almost every situation which has reached the rang of principles can be formulate opposed rules (Simon, 1946, p. 53), the principles value must not be ignored in the space organization domain. The exercise of territory administration must be based on the following principles regardless of the spatial dimension of the administrative level:

- principle of coherence in the issues of territory administration – derives from the mode of unitary application of law in terms of territory;
- principle of territorial optimum – derives from ecological and economic laws, which decides and estimates the surfaces and the most suitable demographic quantity for exercising the administrative right;
- democratic principle (of the belonging willful) of the division and administration document of the territory, actors belonging to an territorial administrative entity are conscious creators of their own „territorial cells” (in many cases this principle is speculated by political leaders to build new power structures in the territory);
- principle of most suitable decisions – to the same administrative units shall be adopt different solutions depending on the nature, the dimension and the character, the implementation opportunity of issues and so on;
- principle of administrative document efficiency – it involves removing actors and embarrassing links in the issues of territory administration. This principle is based on a good knowledge of territorial reality, in all aspects, and on a good knowledge of the territory administration document;
- principle of economic document efficiency and maximizing through the territory administration system – any administrative division should extend to individual and collective well-being.

Criteria

The experience gained in global plan demonstrates the opportunity of using complex set criteria. This „complex set” consists of formulated criteria from sciences in the research area which is found the spatial frame delimitation of state in territorial – administrative units, administrative, legal, economic, social sciences.

The administration science formulates the following criteria (Sîmboteanu, 2001, pg. 78-79):

- *economic criterion* provides the analysis of territorial- administrative units possibilities to ensure the economic development of the territory through: rational location of the productive forces and the efficient use of natural resources and human; creation of taxable base which aims is to ensure the revenue side of territorial - administrative units public budgets; the development assurance in complex of the territory including social infrastructure which corresponds to decentralization trends; creating favorable conditions for economic cooperation with other territorial-administrative units in the country and abroad based on partnership and mutually beneficial relationship;
- *demographic criterion* is based on the analysis of the indicators on the number of people living in territorial-administrative unit, its density on one square kilometer, the social structure of the population by age, occupation and other indicators, forecasting on the dynamics of growth or decrease of population, migration processes;
- *geographical criterion* involves an emplacement in the same territorial-administrative unit of the compact communities deployed in the neighboring areas and the existence of communications ways between localities which are part of the territorial-administrative unit respectively;
- *historical criterion* provides the respect for traditions and ensuring the continuity in the territorial-administrative organization based on objective factors of historical belonging of the community given to a specific territorial-administrative unit;
- *ethnic criterion* involves the emplacement opportunity and utility in the same territorial-administrative unit of the compact placed community where the population of the same ethnicity live.

Beside these criteria, in the administrative organization of the territory can be used other criteria, such as: the consideration of public opinion; the combination of national and local interests; using the experience of other countries and so on.

The Sociology emphasizes rural-urban dichotomy. However, in view of some sociologists, it is an insufficiently analytical instrument to encompass territorial-local collectivities types. The German sociologists use socio-economic criteria, the structure of territorial-local collectivities is determined with help of economic sectors weight (Mihăilescu, 2003, p. 276). Based on structural triangle were established four main types of territorial communities:

1. Predominantly agricultural communities (the primary sector holds over 50%);
2. Predominantly industrial communities (the secondary sector holds over 50%);
3. Predominantly service communities (the tertiary sector holds over 50%);
4. Mixed communities (no sector exceeds 50%).

Each of these four types comprises four subtypes, resulting in 16 types theoretically possible. Since not all are found in the reality, typology diagram has been reduced to 8 main types:

1. Agriculture communities (the primary sector holds over 50%);
2. Rural communities (the secondary sector holds over 25-50%);
3. Urbanized communities (the primary sector has 10-25%)
 - a) *industrialized communities (the tertiary sector hold less than 30%)*
 - b) *balanced communities (the tertiary sector holds 30-50%)*
 - c) *poorly industrialized communities (the tertiary sector holds more than 50%)*

4. Urban communities (the primary sector holds less than 10%)

a) industrial communities (the tertiary sector holds less than 30%)

b) centralized industrial communities (the tertiary sector holds 30-50%)

c) metropolitans communities (the tertiary sector holds over 50%).

The focus is on the economy sectors. If a territorial-local collectivity has sufficient conditions to develop activities in the profitable sectors and to acquire revenue to maintain administrative apparatus, it can be recognized as a moral person of public law, without a certain number of persons.

Probabilistic model of spatial interaction, formulated by researchers in geography, can be included in the category of socio-economic criteria. The model allows the consideration directly of the masses placed in interaction, of a distance that separates these masses and indirect of the masses relative position within the considered spatial system (Groza, 2002, p. 348).

Tools

Along with principles and criteria in dividing the territory is used and some technical tools. One such tool is the *Nomenclature of Territorial Units for Statistics*. Developed by the European Statistical Office (Eurostat), this tool is used in Community legislation characteristic of structural funds since 1988 (NUTS classification).

The NUTS system separates the territorial units in 5 interdependent categories (the I category is the upper) for creating a coherent and single structure of territorial distribution:

- Level I - the whole territory of a member state ;
- Level II - the territorial unit smaller than the state (exceptions: Denmark, Luxembourg, Ireland, Latvia and so on) where the Level II coincide with Level I;
- Level III - regions with their own territorial organization.

The other two levels aimed at local units LAU I and LAU II. LAU I is defined for many, but not all the member countries. Since 2017, only one level of LAU has been kept (NUTS classification).

For the implementation of EU regional development policy the existence of these territorial - statistic levels is required, but it is not mandatory that these areas to be territorial - administrative units. The NUTS acceptance is a condition of pre-accession, although European Commission does not openly insist on this fact. The NUTS instrument can be seen as a formal instrument for transposition of the EU's rules, norms and institutional templates (Hughes, J., Sasse, G., Gordon, Claire, 2005). The integration experience founds only that is more optional and efficient the bringing of territorial-administrative structures in accordance with measurement system of the NUTS system.

However, most Member States have realized an overlap of the two criteria (population and administration organization), thus ensuring a better efficiency in implementation of development programs. The effects of this standardization lies:

- consolidation of administrative or political-administrative regions, with their own regional identity, with an own regional identity, given by the historical bases and by the unit of cultural, ethnic, linguistic, economic factors (länder and kreise from German, regions and departments in France, regions and provinces in Italy and Belgium, autonomous communities in Spain etc);

- the creation of the regions of territorial-statistic reporting, artificial buildings, without regional personality, administrative function or historical antecedents, obtained by aggregation of lower territorial-administrative units, (ZEAT in France, regierungsbezirk in Germany, landsdelen in the Netherlands, the standard regions and groups of counties in the UK, amter groups in Denmark, the group development regions in Greece, groups of autonomous communities in Spain or groups with settlement finality in Portugal) (Săgeată, 2004, pg. 16-22)

Note that the functionality is the basic criterion regarding the individualization of the European regions, whether is about political-administrative regions with historical and cultural personality or territorial statistical regions arising from the economic considerations. As Professor O. Groza states that above all it must be considered the real and not symbolic effectiveness of administrative division even if the political and emotional context imposes certain “acts of diplomacy” (Groza, 2002, p. 348) caused especially by sensitivities of ethnic criterion.

5. Conclusion

Identification of the optimal structure of administrative-territorial organization represents for each state an important reason for increasing the efficiency of public administration. Dilemmas on establishing levels of administration can be overcome by an analysis of the three categories of factors: resources, administrative capacity of territory, scientific resources (in relation to the concrete situation of a given territory), the political will of decision makers.

The studies in this field show that extreme centralization is not the way by which it can ensure the stability of territory affected by a “active territorial tectonics.” Territorial constructions manifest naturally strong space inertia, able to withstand the most rigorous strategy of voluntary territory shaping.” (Groza, 2002, p. 337) For these reasons, researches on the “status quo” of a territory should prevail to the momentary political ambitions.

States are free and have the right to consolidate its political-administrative decisions on division of territory in administrative levels on certain principles, criteria and specific tools. It should be avoided such situations when a principle, a criterion or an instrument prevails. It is necessary to note that no absence or presence of an administrative level creates obstacles to the realization of development projects and programs, but rather the quality and legitimacy of the institution within an administrative system.

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